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February 23, 2004

Assistant Commissioner of Patents

Washington, DC 20231

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**PROTEST UNDER 37 CFR 1.291(a)**

Re: Method and system for selectively displaying advertisements  
on a display device

US File # **20020059116**

Filed: July 31, 2001

Sirs:

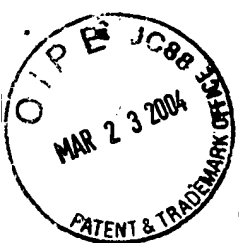
Recently I found the above referenced patent filing and believe this filing has  
NOT issued in the U.S. The US File # is **20020059116**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system using a database containing advertisements maintained at the client level in cache or on disk (0010) in a client-server ad delivery system. This patent relates to displaying advertising by matching voluntary user action such using keywords, going to URLs or other actions (0012) Entering a trigger event into a browser locator window then makes a match with data in the remotely controlled and updated database and in the event a match is made, an appropriate content or advertisement is displayed. This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

The abstract reads in part, "Specifically, a display device retrieves requested information and advertising over a network. When the user displays requested information, the display device executes an algorithm to display advertising summary information that is targeted to the requested information being displayed."

Relevant Claims are #1, 3, 5, 8, 15, 22, and others in which the inventor refers to triggering and displaying ads stored at the client level.

I am objecting to this patent filing as it is neither novel nor unique. It is of particular note that prior art submitted does not include references to systems that were commercially offered in 2001. The filers are correct that a targeted system based on interactive actions is more accurate and excels in its ability to



deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... equivalent technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998
3. WO9955066 (A1) or EP1076983 (A1) ... equivalent technology

There may be more prior art preceding the 7/31/2001 filing.

I believe the Examiner should look very closely at the Claim made and judge accordingly.

The screenshot shows a Netscape browser window with the address bar displaying a URL from esp@cenet.com. The main content area shows a patent search result for 'TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD'. The patent number is CA2328943, published on 1999-10-28. The inventor is ZETMEIR KARL D (US), and the applicant is ZETMEIR KARL D (US). The classification is H04M3/00. The abstract describes a telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing advertising services for sponsor companies that wish to advertise to the consumer. The program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.

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United States Patent 6,141,010 : Netscape

File Edit View Go Bookmarks Tools Window Help

http://patft.uspto.gov/netaog/rph-Parser?Sect1=PT01&Sect2=H010FF&d-PALLp=1&u=/netahtml/schnum.html# Search

Mail Home Radio Netscape Search Bookmarks Internet Lookup

United States Patent 6,141,010

**USPTO PATENT FULL-TEXT AND IMAGE DATABASE**

Home Quick Advanced Pat Num Help

Bottom

View Cart Add to Cart

Images

(1 of 1)

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United States Patent  
Hoyle

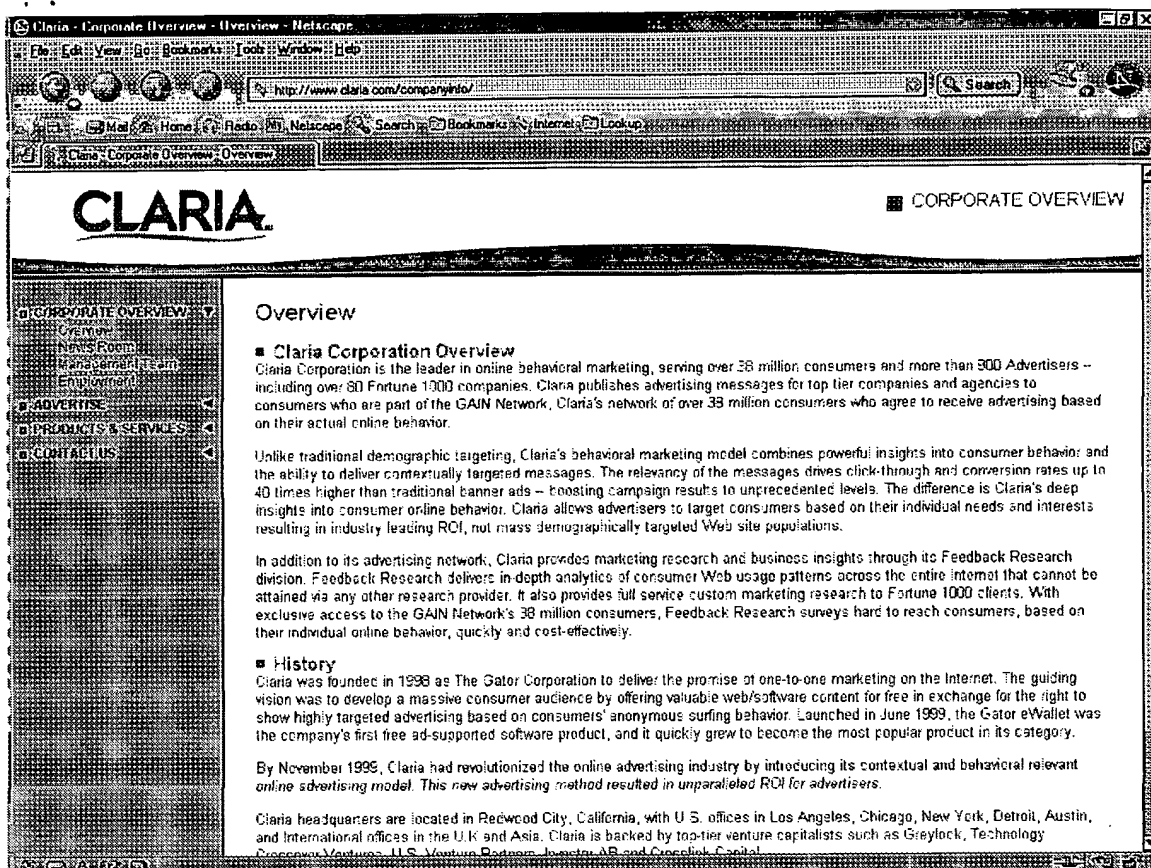
6,141,010  
October 31, 2000

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Computer interface method and apparatus with targeted advertising

Abstract

A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising--both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.



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